

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY TAFOYA,

Petitioner,

No. CIV S-05-0824 FCD GGH P

vs.

J. YATES, Warden, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 13, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed March 13, 2006, are adopted in full;

2. Petitioner's unopposed motion for a stay and abeyance, filed January 13, 2006, is granted and this matter is stayed pending exhaustion of Claims 8, 9, and 10, as set forth above;

3. Petitioner is directed to file a notice to this court of exhaustion of his state court remedies as to Claims 8, 9, and 10, within thirty days of the filing of the decision by the state supreme court; and

4. The Clerk of Court is directed to administratively close this action.

DATED: May 8, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge